IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5793 of 1999

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHAROTAR NAGRIK SAHKARI BANK LTD.

Versus

BHARAT K SHAH

Appearance:

MR AJ YAGNIK for Petitioner No. 1

MR NV GANDHI for Respondent No. 1

RULE SERVED for Respondent No. 2-9

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 25/03/2004

ORAL JUDGEMENT

1. The petitioner has challenged the order of the

Gujarat State Cooperative Tribunal dated 26.7.1999 passed in Misc. Application No.9/99, whereby the Tribunal has granted status quo and directed to remove the seal as directed by the Board of Nominees and further directed the Board of Nominees to dispose of the suit as expeditiously as possible after taking evidence and other documents on record.This Court, while admitting the matter, has restrained the respondent from transferring the possession of the property in favour of any party.

2. Mr. Yagnik, learned Advocate for the petitioner, stated that the original suit filed before the Board of Nominee is allowed in favour of the petitioner bank against which the original defendant-respondent herein has preferred an appeal before the Gujarat State Cooperative Tribunal. He has therefore, submitted that the present petition has become infructuous. He submitted that in view of the suit being allowed, now the respondent cannot dispose of the property pending the appeal. If suit is decreed, it is required to protect the interest of parties. Therefore, this petition is required to be disposed of with a direction that the parties will main status quo till the appeal is heard by the Gujarat State Cooperative Tribunal. In that view of the matter, the petition is disposed of with a direction that both the parties will maintain status quo till the appeal is heard and disposed of by the Gujarat State Cooperative Tribunal. Rule is discharged with no orde

[K.S. JHAVERI, J.]
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